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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16

17 THE STATE OF CALIFORNIA et al.,
18 Plaintiffs,
19
20 v.
21
22 INFINEON TECHNOLOGIES AG et al.,
23 Defendants.
24

Case No.: C 06-4333 PJH

PLAINTIFF STATE OF DELAWARE
NOTICE OF VOLUNTARY DISMISSAL

25
26 Plaintiff, State of Delaware ("State"), pursuant to Fed. R. Civ. P. Rule 41(A), hereby
27 dismisses without prejudice the claims asserted by the State against Infineon Technologies
28 AG, Infineon Technologies North America Corp., Hynix Semiconductor, Inc., Hynix
29 Semiconductor America, Inc., Micron Technology, Inc., Micron Semiconductor Products,
30 Inc., Mosel Vitelic, Inc., Mosel Vitelic Corp., Nanya Technology Corporation, Nanya
31 Technology Corporation USA, Inc., Elpida Memory, Inc., Elpida Memory (USA) Inc., and
32 NEC Electronics America, Inc., in the above captioned matter.

33 Pursuant to Fed. R. Civ. P. 41(A)(1) "an action may be dismissed by the plaintiff
34 without order of court (i) by filing notice of dismissal at any time before service by the
35 adverse party of an answer or a motion for summary judgment." Civil Rule 41(A) also

36 provides that "the dismissal is without prejudice." Here, the defendants have not served the
37 State with an answer or a motion for summary judgment.

38 Furthermore, pursuant to Fed. R. Civ. P. 23(E), court approval and notice of voluntary
39 dismissal are required only of a "certified class." Here, a class has not been certified.

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41 Respectfully Submitted,

42 THE STATE OF DELAWARE

43 By its attorneys,

44 Joseph R. Biden, III
45 Attorney General

46 Date: 04/03/08

47 /s/ Michael A. Undorf

48 By: Michael A. Undorf (DE Bar No. 3874)
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Certification

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61 I hereby certify this Notice of Voluntary Dismissal has been filed with the Court using
62 its Electronic Case Filing System (ECFS). Notice to all parties is automatically carried out by
63 the ECFS.



64 /s/ Michael A. Undorf

65 04/03/08

66 4/7/08

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